IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

LUFKIN DIVISION

MASON JAMES	§	
VS.	§	CIVIL ACTION NO. 9:18cv84
KENT LOCKHART	§	

ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Mason James, an inmate at the Estelle Unit, proceeding *pro se*, brought the above-styled lawsuit against Kent Lockhart.

The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The Magistrate Judge recommends this action be dismissed as barred by 28 U.S.C. 1915(g).

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record and pleadings. Plaintiff filed objections to the Magistrate Judge's Report and Recommendation. This requires a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b).

Plaintiff asserts in his objections that he was in imminent danger of serious physical injury at the time he filed the complaint. After careful consideration, the court concludes plaintiff's objections are without merit. Plaintiff complains of the alleged denial of access to the courts. The factual allegations set forth in plaintiff's complaint do not demonstrate that he was in "imminent danger of serious physical injury" at the time he filed the complaint. *See Banos v. O'Guin*, 144 F.3d
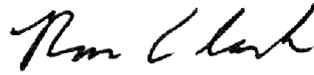
883, 884 (5th Cir. 1998). Accordingly, plaintiff is barred from proceeding on an *in forma pauperis*

basis. *Id.*

<div align="center">O R D E R</div>

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions

of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED**. A

final judgment will be entered in this case in accordance with the Magistrate Judge's

recommendations.

So Ordered and Signed

Feb 18, 2019

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Ron Clark, Senior District Judge